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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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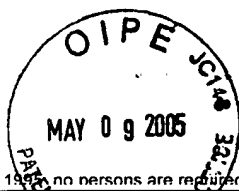
|   |                      |                        |               |
|---|----------------------|------------------------|---------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/831,690             |               |
|   | Filing Date          | November 12, 1999      |               |
|   | First Named Inventor | Carson                 |               |
|   | Art Unit             |                        |               |
|   | Examiner Name        |                        |               |
| Total Number of Pages in This Submission  | 4                    | Attorney Docket Number | NEU-00115.P.1 |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
| <b>Remarks</b><br>1. Revocation of Prior Powers and Appointment of Power of Attorney;<br>2. Copy of cover page of court order granting Trustee's Motion to sell assets;<br>3. Identification of Patent Application in Order; and<br>4. Postcard   |  |  |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>   |  |  |
| Firm Name   | David R Preston & Associates   |  |
| Signature   |  |  |
| Printed name  | David R Preston  |  |
| Date  | May 5, 2005  | Reg. No. 38,710  |

| CERTIFICATE OF TRANSMISSION/MAILING   |                     |             |
|---|---------------------|-------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                     |             |
| Signature   |                     |             |
| Typed or printed name   | Raymond Wagenknecht | Date 5/5/05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/2004  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

**Complete if Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 09/831,690        |
| Filing Date          | November 12, 1999 |
| First Named Inventor | Carson            |
| Examiner Name        |                   |
| Art Unit             |                   |
| Attorney Docket No.  | NEU-00115.P.1     |

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 501321 Deposit Account Name: David R Preston

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Small Entity |          |
|--------------|----------|
| Fee (\$)     | Fee (\$) |
| 50           | 25       |
| 200          | 100      |
| 360          | 180      |

|              |              |          |               |
|--------------|--------------|----------|---------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|----------|---------------|

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

|               |              |          |               |
|---------------|--------------|----------|---------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

|          |               |
|----------|---------------|
| Fee (\$) | Fee Paid (\$) |
|----------|---------------|

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|              |              |  |          |               |
|--------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|

- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

Fees Paid (\$)

**SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent) 38,710

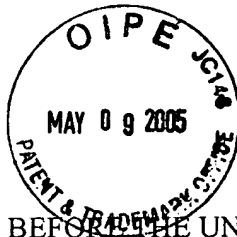
Telephone 858-724-0375

Name (Print/Type) David R Preston

Date May 5, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Patent  
Attorney Docket No: NEU-00115.P.1

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
)  
Carson et al. )  
)  
Application Number: 09/831,690 )  
)  
Filed: November 12, 1999 )  
)  
For: GENE EXPRESSION )  
MODULATED BY ACTIVATION )  
OF MICROGLIA OR )  
MACROPHAGES )  
\_\_\_\_\_ )

Commissioner for Patents  
Alexandria, VA 22313-1450

#### Revocation of Prior Powers and Appointment of Power of Attorney

Sir:

I, Assignee of the above referenced U.S. Patent Application as shown on the attached:

1. Cover page of the Order On Trustee's Motion to Sell Assets to Neurome, Inc., Free and Clear Of Liens and Encumbrances and Assignment and Assumption of Designated Contracts to Neurome (herein referred to as ORDER); and
2. Identification of the Above referenced U.S. Patent Application included in the ORDER;

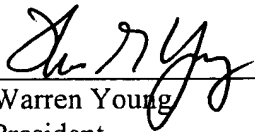
hereby revoke all previous powers and appoint collectively and individually the Attorneys and Agents provided on **CUSTOMER NUMBER 24232**, including David R. Preston (Reg. No. 38,710), to transact all business for the above referenced U.S. Patent Application before the United States Patent and Trademark Office.

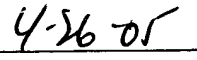
I, further hereby state that the Assets of Digital Gene Technologies, Inc., including the above referenced U.S. Patent Application have been sold and assigned to Neurome, Inc. free and clear of liens and encumbrances according to ORDER.

Please direct all Communications to:

David R Preston  
David R Preston & Associates  
12625 High Bluff Drive  
Suite 205  
San Diego, CA 92130  
Telephone No. 858-724-0375  
Fax No. 858-724-0384

FOR NEUROME, INC.

  
\_\_\_\_\_  
Warren Young  
President

  
\_\_\_\_\_  
Date

CSD 1001A (08/22/03)

Name, Address, Telephone No. & I.D. No.

Gary B. Rudolph, Esq. (#101921)

William P. Fennell, Esq. (#16421)

Yosina M. Lissebeck, Esq. (#20165)

SPARBER RUDOLPH ANNEN, APLC

701 "B" Street, Suite 1000

San Diego, CA 92101

Telephone (619) 239-3600

Attorneys for Gerald H. Davis, Chapter 7 Trustee



Order Entered on  
July 13, 2004  
by Clerk U.S. Bankruptcy Court  
Southern District of California

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

DIGITAL GENE TECHNOLOGIES, INC.

[Tax Id. No. 33-0674676]

Debtor.

BANKRUPTCY NO. 04-03217-A7

Date of Hearing: July 8, 2004

Time of Hearing: 2:30 pm

Name of Judge: Louise DeCarl Adler

**ORDER ON TRUSTEE'S MOTION TO SELL ASSETS TO NEUROME, INC., FREE AND CLEAR OF LIENS AND ENCUMBRANCES AND ASSIGNMENT AND ASSUMPTION OF DESIGNATED CONTRACTS TO NEUROME**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered seven through (56) with exhibits, if any, for a total of (63) pages, is granted. Motion/Application Docket Entry No. 62

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DATED: **July 13, 2004**

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Submitted by:

SPARBER RUDOLPH ANNEN

  
Judge, United States Bankruptcy Court

By: /s/William P. Fennell

Attorneys for Gerald H. Davis, Chapter 7 Trustee

|   |                                 |   |                 |  |  |  |                                      |  |         |
|---|---------------------------------|---|-----------------|--|--|--|--------------------------------------|--|---------|
| Y | OMM 216019-50/<br>MBHB 98,634-F | 09/831,690<br>Parent:<br>PCT/US99/26824<br>11/12/1999 | National Filing |  |  |  | Caison, Sutcliffe,<br>Almazan, Tobal | Gene Expression Modulated by Activation of<br>Microglia or Macrophages (United States) | Pending |
|---|---------------------------------|---|-----------------|--|--|--|--------------------------------------|--|---------|